

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments are respectfully requested.

Claims 1 - 3, 5 - 9, 11 - 15, and 17 - 20 are pending in the application. Currently, all claims stand rejected.

In the office action mailed October 19, 2005, claims 8, 9, 11 - 15 and 17 - 20 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement; claims 8, 9, 11 - 15, and 17 - 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 1, 2, 5, 6, 8, 11, 12, 14, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al.; claims 3, 7, 9, 13, 15, 19, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. in view of Baker or Matsumoto et al.; and claims 8, 9, and 13 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud in view of Baker or Matsumoto et al.

The foregoing rejections are traversed by the instant response.

With regard to the rejection of claims 8, 9, 11 - 15, and 17 - 20 under 35 U.S.C. 112, first paragraph, support for the claim language can be found in FIGS. 2 - 4 of the drawings. As can be seen from these figures, the handle moves relative to the slider from a first position in proximity to a first end of the slider (see FIG. 3) to a second position in proximity to a second end of the slider (see FIG. 4). Claim 8 does not call for the handle to move from the first position to the second position when the slider strikes the stop. The claims calls for the two positions pictured in FIGS. 3 and 4. As for claims 14 and 20, it is true that the handle moves in an arcuate path; however, it is also true that when the handle moves from the

first position to the second position and vice-versa, it moves in a direction parallel to the sleeve axis. A path has a direction. It is submitted that nothing more is required to comply with the requirements of 35 U.S.C. 112, first paragraph. It is also noted that in Applicant's prior response an offer was made by Applicant to add language to the specification and that the Examiner has not asked Applicant to provide such language.

The rejection of claims 8, 9, 11 - 15, and 17 - 20 is deficient in that the Examiner has not pointed out anything in the claims that cannot be understood from a reading of the specification and the drawings. Again, the Examiner has misread the language of claim 8. As for claims 14 and 20, the claims are accurate since a path has a direction.

Claim 1 calls for the impact tool to have a shaft, a stop on the shaft, a slider which moves along the shaft and a handle which has a first leg joined to the slider, a second leg joined to the slider, and a central section extending between and joined to the first and second legs. It is clear that the Hull et al. patent relied upon by the Examiner has a handle with first and second legs, but both legs are joined to the same side of the slider. Thus, the Hull et al. patent does not anticipate the subject matter of amended claim 1.

Claims 2, 5, and 6 are allowable for the same reason as claim 1 as well as on their own accord.

Claim 8 calls for the impact tool to have a shaft, a stop on the shaft, a slider movable on the shaft for striking the stop to create an impact force, which slider has a first end and a second end, and a handle movably attached to the slider to allow a user to move the slider. The handle is moveable relative to the slider from a first position in proximity to the first end to a second position in proximity to the second end when the

slider strikes the stop. The handle has a first leg joined to the slider, a second leg joined to the slider, and a central section extending between and joined to the first and second legs.

It is submitted that neither Hull et al. nor Cloud contains all of the elements of claim 8 and therefore, cannot anticipate the claim. For example, Hull et al. lacks a handle which is movable in the manner described in the claim. With respect to Cloud, it lacks the handle having the claimed leg and central section construction. There are no legs joined to the slider with a central section extending therebetween.

Claims 11 - 12 are allowable for the same reasons as claim 8 as well as on their own accord.

Claim 14 has been amended to call for a slider for an impact tool, comprising a sleeve, and a handle movably attached to the sleeve to allow a user to move the slider.

The handle is formed by a first leg joined to a first side of the sleeve, a second leg joined to a second side of the sleeve, and a central section extending between and being joined to the first and second legs. The claim further calls for the handle to move relative to the slider in a direction parallel to a longitudinal axis of the sleeve when the slider strikes a stop on the impact tool to isolate the handle from a force created by the slider striking stop.

It is submitted that neither Cloud nor Hull et al. contain all the elements of claim 14. As previously mentioned, Hull et al. and Cloud both lack the claimed handle structure.

Claims 17 - 18 are allowable for the same reasons as claim 14 as well as on their own accord.

Claim 20 is now directed to an ergonomic tool comprising a shaft, a stop on the shaft, a slider movable on the shaft in a

direction for striking the stop to create an impact force, which slider has a first end and a second end and a longitudinal axis, and a handle on the slider to allow a user to move the slider. The handle has a first leg rotatably connected to a first side of the slider, a second leg rotatably connected to a second side of the slider, and a central section forming a gripping section extending transverse to the direction. The central section extends between and is joined to the first and second legs. The handle moves relative to the slider along an axis parallel to the longitudinal axis as the user moves the slider towards and away from the stop. The user can grasp the handle with the wrist in a normal position.

Claim 20 is not anticipated by either Cloud or Hull et al. because neither reference teaches or suggests the claimed handle structure.

The remaining claims are allowable for the same reasons as their parent claims. The Baker or Matsumoto et al. reference do not cure the deficiencies of the primary references. As previously noted, while Baker may show a pivotable handle, the handle is not located on a slider. In fact, Baker teaches away from using a slider and shaft construction. Still further, it should be noted that Baker has a handle which will not avoid transmitting the forces created on impact to a user. Matsumoto suffers from the same deficiencies as Baker.

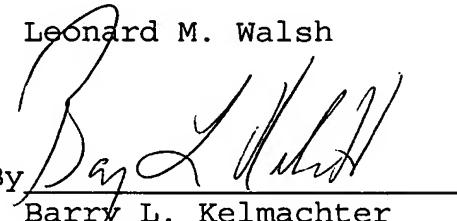
For these reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A notice of appeal is appended hereto in the event that the Examiner maintains the rejections of record. The Director is hereby authorized to charge the notice of appeal fee of \$500.00 to Deposit Account No. 21-0279. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on January 17, 2006.

